

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOEY W. JACKSON,

Plaintiff,

v.

DIVISION OF DEVELOPMENTAL
DISABILITY, et al.,

Defendants.

Civil Action No. 15-8415 (MAS) (DEA)

**MEMORANDUM ORDER ON
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES**


This matter comes before the Court on the application of Plaintiff Joey W. Jackson (“Plaintiff”) to proceed without prepayment of fees under 28 U.S.C. § 1915. (ECF No. 5.) The Court will grant the application on the strength of Plaintiff’s allegation of indigence but dismisses the Complaint because it fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B).

Plaintiff asks the Court to order “the state to carry out the promise as dated [sic] Nov[ember] 24, 2015[,] with my early transfer to a supervised apartment.” (Compl. 4, ECF No. 1.) Plaintiff currently lives in a group home that is run by Allies, an agency contracted by the Division of Developmental Disabilities. Plaintiff is seeking to be transferred to a one-bedroom apartment in a managed care facility that is not a group home. Based on the allegations in the Complaint, the Court cannot discern a valid or cognizable claim against the Defendants. Accordingly, Plaintiff’s Complaint is dismissed for failure to state a claim upon which relief may be granted.

Accordingly,

IT IS, on this 14th day of January 2016, **ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby granted pursuant to 28 U.S.C. § 1915;
2. The Clerk of the Court shall file the Complaint without prepayment of fees or security;
3. The Complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim;
4. Plaintiff may file an amended complaint that conforms to the Federal Rules of Civil Procedure by **February 22, 2016**; and
5. If Plaintiff does not file an amended complaint by **February 22, 2016**, the Complaint shall be dismissed with prejudice and the case shall be closed.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE